

5.2. PRELODGE MENT ENQUIRY FOR PROPOSED EXTENSION TO THE COMBINED CLUB 7 ASHFORD AVENUE PORT DOUGLAS

REPORT AUTHOR(S)	Simon Clarke Planning Coordinator
GENERAL MANAGER	Nicholas Wellwood General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Prelodgement Enquiry – Extension to Licensed Community Club
APPLICANT	Port Douglas District Combined Club Inc. PO Box 29 PORT DOUGLAS QLD 4877
LOCATION OF SITE	7 Ashford Avenue PORT DOUGLAS
PROPERTY	Lot 5 on SP288958 (Previously part of Lot 126 on SR868)

LOCALITY PLAN



Figure 1 - Locality Plan

LOCALITY	Port Douglas and Environs
PLANNING AREA	Community and Recreational Facilities
PLANNING SCHEME	Douglas Shire Planning Scheme 2006 (as amended)
REFERRAL AGENCIES	None
NUMBER OF SUBMITTERS	Not applicable
STATUTORY ASSESSMENT DEADLINE	Not applicable
APPLICATION DATE	7 July 2017
RECOMMENDATION	

That the applicant be advised on a without prejudice basis that:

- 1. Council considers the proposed extension to the Combined Club to be an overdevelopment of the land.**
- 2. In the event that the applicant proceeds to a formal application, the proposed extensions constitute a material change of use for either a restaurant or tavern use, being impact assessable development in the Community and Recreational Facilities Planning Area under the *Douglas Shire Planning Scheme 2006 (as amended)*.**
- 3. Any formal application would need to fully justify any proposed car parking arrangements via an evidence-based traffic study prepared by an appropriately qualified traffic consultant for the additional floor space.**

EXECUTIVE SUMMARY

Council is in receipt of a prelodgement enquiry on land at 7 Ashford Avenue, Port Douglas which proposes an extension of the first floor deck at the Port Douglas & District Combined Club facility. The facility has been established for many years and has, over the years, been extended and upgraded into the club that exists on the property today. The key issue of concern is that there is no on-site provision of any car parking, with the club relying on public car parking provided elsewhere in the town to meet its needs.

No supporting material or alternative options have been provided by the applicant to justify a further expansion of the club despite this existing, unusual car parking arrangement. As it stands, the proposed extension is considered to be overdevelopment of the land from a planning perspective. If a formal application is to be lodged, it will need to be accompanied by an evidence-based traffic study prepared by an appropriately qualified traffic consultant to support any proposed car parking arrangement for the additional floor space.

This application was previously referred to Council's Ordinary meeting held on 1 August 2017 and was deferred for discussions in a Councillor workshop. The item is now referred back to Council for consideration following the workshop held on 5 September 2017.

TOWN PLANNING CONSIDERATIONS

Site History and Background

The building that occupies the site was originally built by the Divisional Sugar Board on Dickson Inlet where historically sugar was stored and loaded onto ships for transport to Cairns. The Port Douglas & District Combined Clubs Inc. (the 'Combined Club'), holds a 30 year lease over the land, up to 1 October 2039.

Planning approval of the original club was granted in October 1980, with a subsequent approval granted in September 1989 for expansion of the club. On 26 June 2008, Cairns Regional Council granted a further approval for the expansion of the existing club facility, including an enlarged kitchen and construction of a new deck overlooking the Inlet for the purposes of an outdoor dining area.

A further approval was granted by Cairns Regional Council on 28 August 2013 for an Undefined Use (Extension to existing licenced club). This development permit granted approval for extension of the ground floor facility (142m² GFA) and construction of a brand new first floor level (296m²) for additional entertainment areas for the enjoyment of patrons including: children's play area, foyer, new bar and lounge area, as well as a new club operation and management area, reception, office and storage areas. These works have been completed.

Proposal

The proposal is to extend the first floor outdoor deck area to allow members and guests to utilise the upstairs bar and lounge area. This will also allow the deck to be fully utilised as a dining area. The deck area will be fully roofed and will also include new toilet facilities. The Gross Floor Area (GFA) of the proposed extension is approximately 270m².

The proposed extensions are included in Attachment 1.

Douglas Shire Planning Scheme Assessment

Under the *Douglas Shire Planning Scheme 2006* (as amended), that part of Lot 126 on SR868 developed for the Combined Club is included in the Community and Recreational Facilities Planning Area. The Combined Club land use is defined as either being a 'restaurant' use or a 'tavern' use. It is not clear why Cairns Regional Council accepted the earlier development application to proceed as an 'undefined use' given the presence of these definitions in the existing planning scheme. Both a restaurant use and a tavern use are impact (inconsistent) land uses in the Community and Recreational Planning Area.

COMMENTARY

Inconsistent Use

A formal application for the proposed use must be assessed against the whole of the planning scheme. Under the Planning Act 2016, Council is required to provide reasons to support any future approval, if an approval is to be forthcoming.

The prelodgement enquiry is not accompanied by any supporting material and it would be expected that the applicant would be required to provide the reasons to support an approval despite the inconsistency of use with the planning scheme.

However, it is possible to acknowledge the existence and important role that the Combined Club provides to the Port Douglas community and its visitors, despite the current inconsistency of the uses in a pragmatic sense, and the extension to the use is supported from that perspective. Nonetheless, other aspects associated with the use are likely to be more determinative in terms of planning scheme compliance.

Car Parking

No car parking spaces are available at the Combined Club site and there is no room to provide any car parking. According to an earlier report to Cairns Regional Council dated 28 August 2013, the Combined Club has historically benefitted from 21 shared public car parking spaces located in Ashford Avenue adjacent to the site. It was previously argued by a former proponent to the earlier extension that sufficient parking is provided for the development through the use of the 21 spaces in addition to the public car park spaces associated with the boat ramp and coast guard facility. There is also an expectation that the majority of patrons to the club would arrive by foot or other public transport means. No analysis of the car parking demand, other than anecdotal evidence was provided to justify this parking arrangement.

Despite this, Cairns Regional Council supported the most recent extension with no further car parking provision on the following basis:

- *The Combined Club is a not for profit entity;*
- *Extension to the ground floor includes operational spaces only, which is not expected to contribute to increasing public patronage or car parking demand. Such areas include the new entry and foyer, bar storage, lift, stairs and kids play area;*
- *Cross utilisation within the proposed club is expected to be significant, for example patrons are likely to utilise the lounge, deck and bar area on the first floor whilst waiting for a table reservation on the ground floor restaurant and vice versa;*
- *In the history of the club, no complaints have been recorded by Council against the subject site regarding the current car parking arrangement, nor have any traffic issues been recorded by Council;*
- *There is a high level of existing on street and public car parking surrounding the subject site;*
- *The premises is situated within a tourist locality where much of the accommodation is located within proximity to the proposed development, so many patrons of the bar and restaurant will simply walk to the facility; and*
- *The subject site is located within a short walking distance (approximately 350m) from Macrossan Street, a public transport route which offers bus transport opportunities.*

From a planning perspective, little of the above justifies a 100% relaxation of the planning scheme's car parking requirements. At an additional 270m² of GFA, this would equate to an extra 11 parking spaces for a restaurant or 27 extra parking spaces for a tavern.

In addition, despite the presence of Council's Planning Scheme Policy No.3 Car Parking Contributions, Council is not able to accept contributions for car parking in lieu of on-site car parking provision, due to State legislative changes that prevent developer contributions being collected for this purpose.

The applicant will need to address this aspect thoroughly in association with any formal application.

It should be noted that this advice was provided to the Combined Club's planners and architect in a meeting held at Council's administrative offices on Thursday 15 February 2017.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

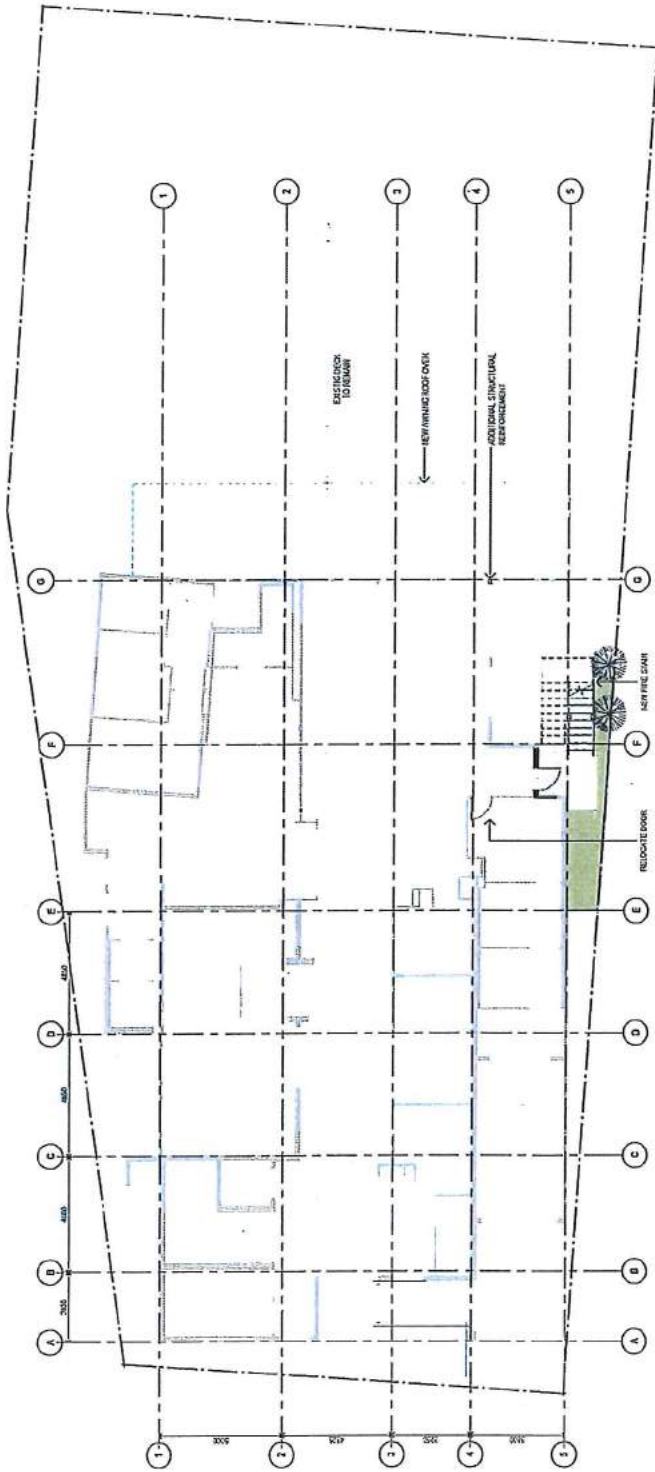
Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1 - Proposed Extensions **[5.2.1]**

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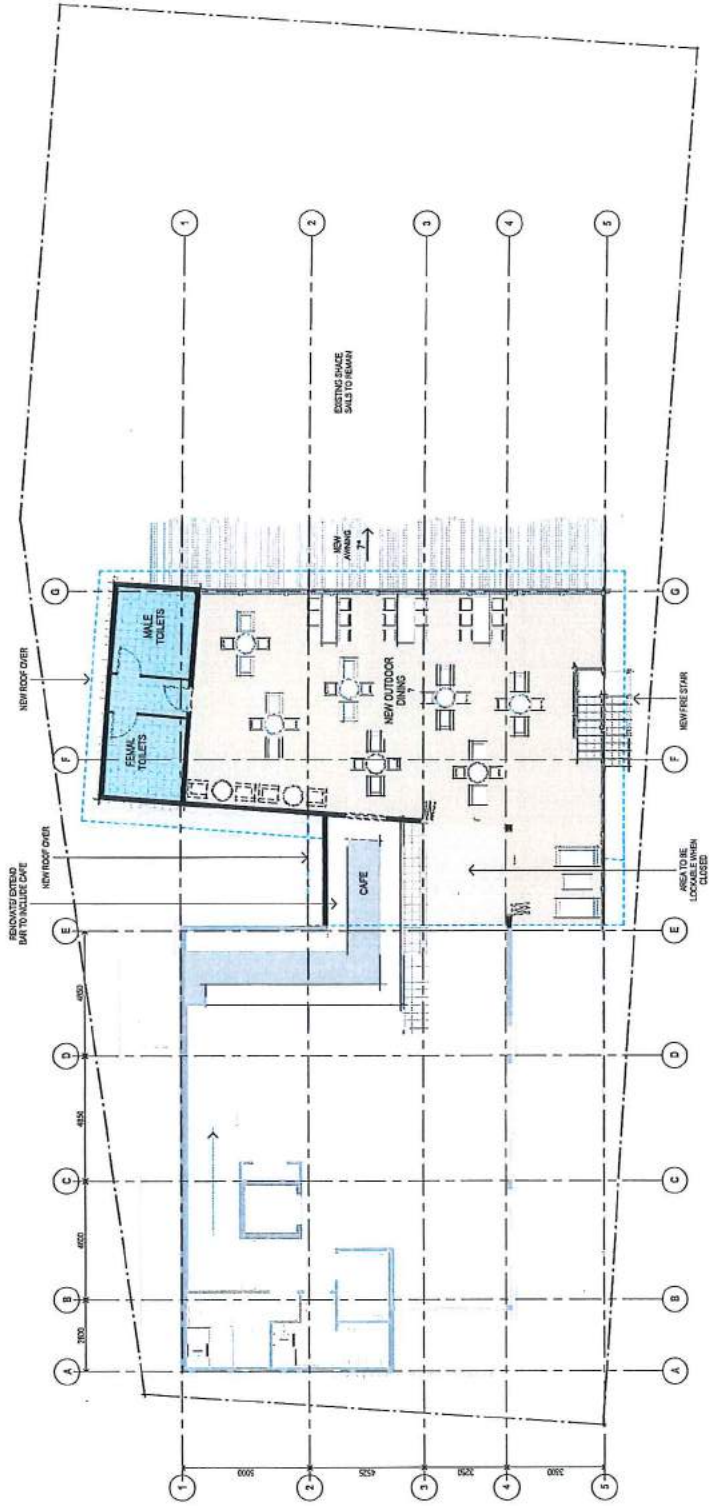
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GROUND FLOOR PLAN



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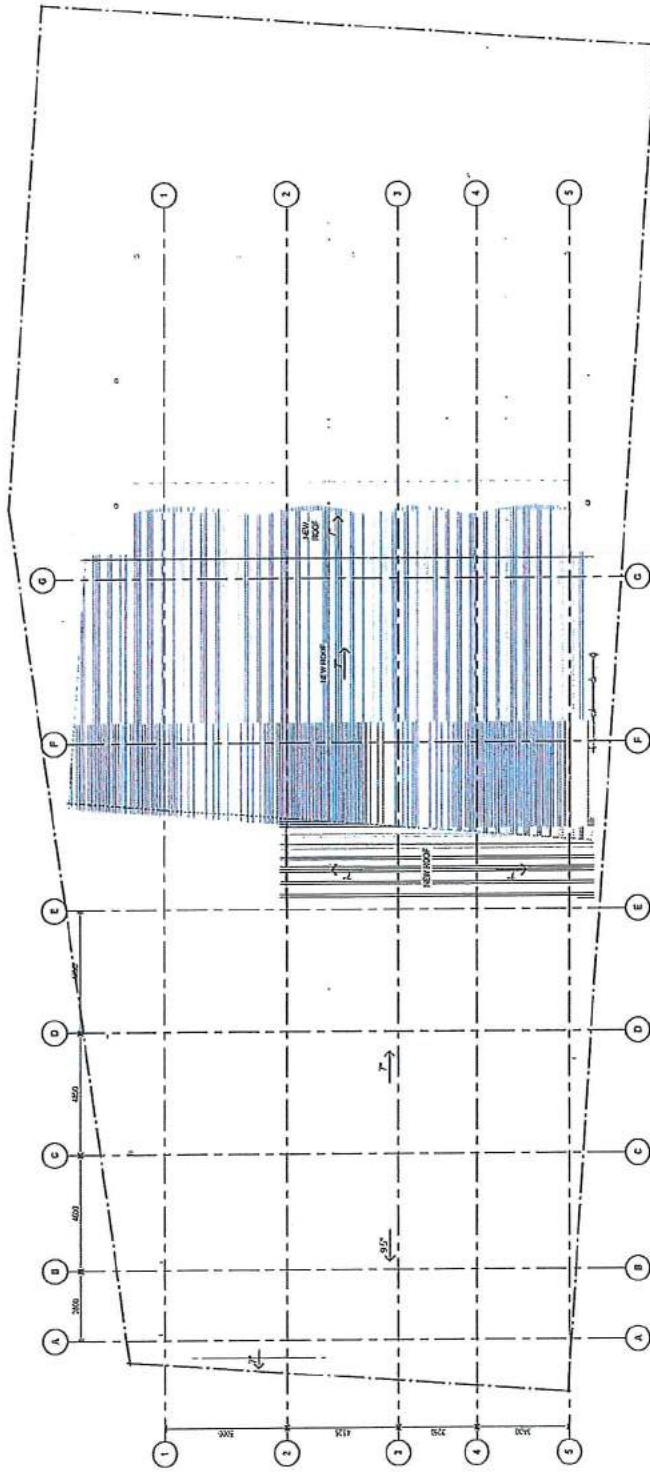
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FIRST FLOOR PLAN





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ROOF PLAN



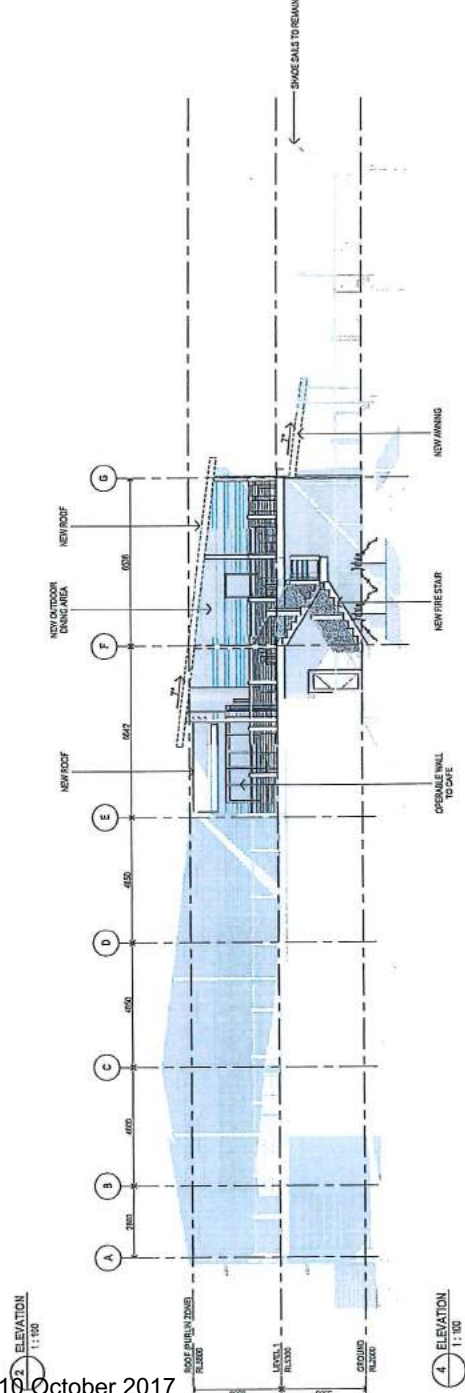
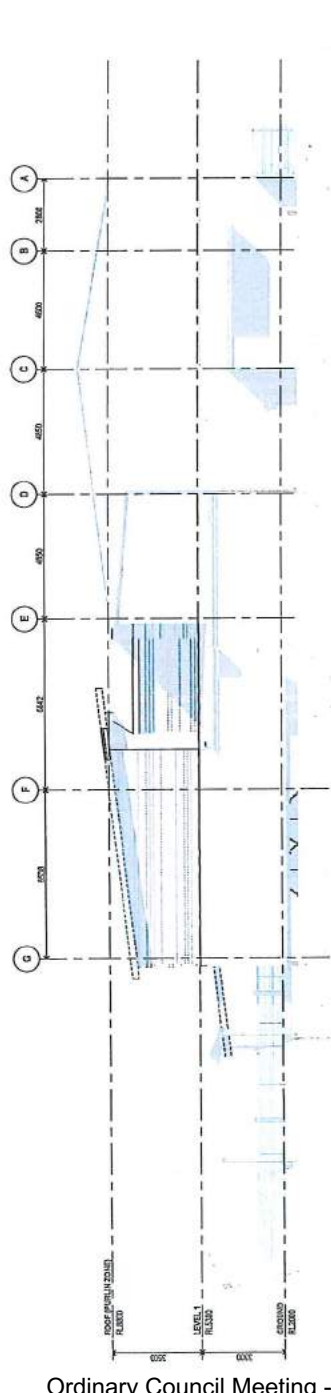
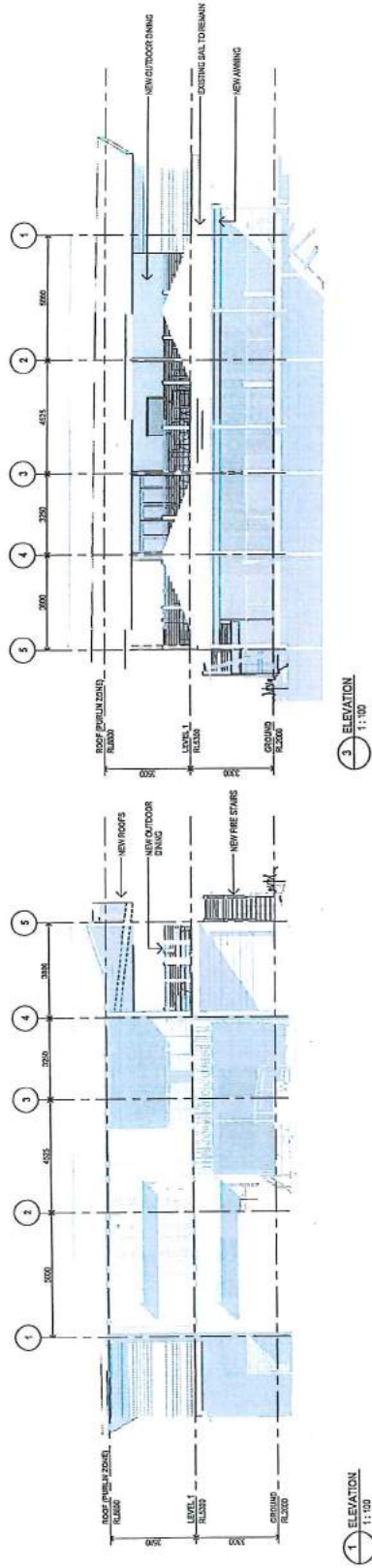
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